

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	X
UNITED STATES OF AMERICA <i>ex rel.</i> DAVID HEISLER; and STATE OF NEW YORK <i>ex rel.</i> DAVID HEISLER,	:
Plaintiffs,	:
- against -	:
VNSNY CHOICE <i>et al.</i> ,	:
Defendants.	:
UNITED STATES OF AMERICA,	X
Plaintiff-Intervenor,	:
- against -	13 Civ. 4261 (RA) (SN)
VNS CHOICE; VNS CHOICE COMMUNITY CARE; and VISITING NURSE SERVICE OF NEW YORK,	:
Defendants.	:
STATE OF NEW YORK,	X
Plaintiff-Intervenor,	:
- against -	:
VNS CHOICE; VNS CHOICE COMMUNITY CARE; and VISITING NURSE SERVICE OF NEW YORK,	:
Defendants.	:

**STIPULATION OF DISMISSAL**

WHEREAS, the parties filed a Joint Notice of Dismissal on September 13, 2017, which dismissed, *inter alia*, the Relator's Amended Complaint but reserved the right for Relator to seek

expenses, costs, and attorney's fees pursuant to 31 U.S.C. § 3730(d) and N.Y. State Fin. Law § 190(6)(a); and

WHEREAS, Relator has reached an agreement with Defendants resolving his claims for his expenses, costs, and attorney's fees;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/their respective counsel, that Relator's claims, including all claims for expenses, costs and attorney's fees are hereby dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Dated: October 19, 2018

**FOR THE UNITED STATES OF AMERICA**

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

By:

Jeffrey Powell  
JEFFREY K. POWELL  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone: (212) 637-2706  
Email: Jeffrey.Powell@usdoj.gov

Dated: October 19, 2018

**FOR THE STATE OF NEW YORK**

Barbara D. Underwood  
Attorney General of State of New York

By:

Carolyn Ellis / AHS  
CAROLYN T. ELLIS  
Chief, Civil Enforcement Division  
Medicaid Fraud Control Unit  
28 Liberty Street, 15th Floor  
New York, New York 10005  
Telephone: (212) 417-5384  
Email: Carolyn.Ellis@ag.ny.gov

Dated: October 18, 2018

**FOR RELATOR DAVID HEISLER**

YANKWITT LLP

By:

*Dolly A. Marks*  
KATHY S. MARKS  
140 Grand Street  
White Plains, New York 10601  
Telephone: (914) 686-1500  
Email: Kathy@Yankwitt.com

Dated: October 19, 2018

**FOR RELATOR DAVID HEISLER**

LAW OFFICE OF ANDREA PAPARELLA, PLLC

By:

*Andrea Paparella*  
ANDREA M. PAPARELLA  
150 West 28th Street, Suite 1603  
New York, New York 10028  
Telephone: (212) 675-2523  
Email: ap@andreasparella.com

Dated: October 19, 2018

**FOR DEFENDANTS**

ROPS & GRAY LLC

By:

*Stephen A. Warnke*  
STEPHEN A. WARNKE  
1211 Avenue of the Americas  
New York, New York 10036-8704  
Telephone: (212) 841-0681  
Email: stephen.warnke@ropesgray.com